IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 5205 of 1997

Between:

Siripuram Handloom Weavers' Co-op. Society Limited, Rep. by its President
Mr.P.Ramalingam S/o.Rama Laxmaiah
R/o.Siripuram Village, Ramannapet Mandalm,
Nalgonda District.

..... PETITIONER

AND

1 Assistant Director, Handlooms & Textiles
Nalgonda, Andhra Pradesh.
2 Development Officer, Handlooms & Textiles, Ramannnapet
Circle Nalgonda District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the proceedings in Rc.No.499/96-C, H&T, dt.12-12-96 issued by the 1st Respondent appointing an enquiry officer to conduct the enquiry as illegal, arbitrary, against the provisions of A.P. Co-operative Societies Act 7 of 1964 and unjust, consequently direct the respondents not to conduct any enquiry in pursuance of the above proceedings.

Counsel for the Petitioner:MR.P.NARASIMHA RAO

Counsel for the Respondents: GP FOR INDUSTRIES & COMMERCE

The Court made the following :

ORDER:

Heard the counsel.

The petitioner filed this writ petition for a writ of Mandamus declaring the proceedings in Rc.No.499/96-C, H & T. dated 12.12.1996 issued by the first respondent appointing an enquiry officer to conduct enquiry into the affairs of the petitioner Society as arbitrary and illegal, against the provisions of A.P.Co-operative Societies Act, 1964 and unjust and consequently direct the respondents not to conduct any enquiry in pursuance of the above proceedings and pass such other suitable orders.

The impugned order reads as hereunder:

> "Sub: Allegation against the President and Secretary
> of the H.W.C.S.Ltd.Sripuram– petition
> submitted by the members of the Society –
>
> enquiry U/S 51 of the APGS Act – ordered.
>
> Read:1.Representation of the members of H. W. C. S.
> Ltd.,Sripuram dt.20.08.1996 and 30.08.1996
>
> (copy enclosed)
>
> 2.Report dated 30.11.1996 of the ADO
> (H&T) Rammannapet circle (copy enclosed).
>
> .....
>
> **ORDER**:
>
> Whereas in the reference read above it has come to my notice that the present and managing committee members of handloom weavers Coop.Society limited, Sriripuram has involved in misappropriation of funds of the society and committed several irregularities.
>
> Whereas in the course of preliminary enquiry submitted by the Assistant Dev.Officer (H&T) it is found that the president and Managing committee members committed several irregularities in the working of the society and indulged in misutilisation of funds of the society.
>
> In view of the irregularities and misappropriation of funds noticed in the preliminary enquiry report it has become necessary to conduct a detailed enquiry U/S 51 of the APGS Act, 1964, to public faith into the affairs of the Siripur handloom weavers Coop.Society with Special reference to the alleged irregularities and misappropriation /misutilised of funds of the society in the preliminary enquiry.

> Therefore, I , sri P.Veera Reddy, Asst.Director (H&T) Nalgonda by virtue of powers vested in me U/S 51 of the APGS Act 7 of the 1964, ordered for an enquiry and authorized Sri.P.Raghava Reddy, Dev.Officer (H&T) to conduct a detailed enquiry into the working of the society with special reference to irregularities/misappropriation of funds noticed in the preliminary enquiry.
>
> The enquiry officer should complete the enquiry within a period of (30) days and submit his report."

As can be seen from the nature of the impugned order, only enquiry had been ordered and Sri.P.Raghava Reddy, Divisional Officer was authorized to conduct detailed enquiry into the working of the Society with special reference to the irregularities/misappropriation of funds noticed in the preliminary enquiry. In the light of the same, no relief can be granted at this stage in the present writ petition.

The writ petition is accordingly dismissed. No costs.

_____

P.S.NARAYANA,J

Dated : 29th December, 2004.

Sh

To

1 Assistant Director, Handlooms & Textiles
Nalgonda, Andhra Pradesh.
2 Development Officer, Handlooms & Textiles, Ramannnapet Circle Nalgonda District.

3. 2CCs to the G.P. for Industries and Commerce, High Court Buildings, Hyderabad (OUT)

4. 2CD copies.